IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE**

**and**
**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT APPEAL NO : 1530 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13/09/2004 in WP NO : 16228 OF 2004 on the file of the High Court.)

Between:

Piduru Suseelamma, W/o. Venkateswarlu,
R/o. Kasumuru Village, Venkatachalam ( Mandal),
Nellore District.

**..... APPELLANT**

AND

The Mandal Revenue Officer, Venkatchalam ( Mandal), Nellore District.

**.....RESPONDENT**

**Counsel for the Appellant:SMT.CHINTALAPUDI LAKSHMI KUMARI**

**Counsel for the Respondent: GP FOR REVENUE**

**The Court made the following :**

ORAL ORDER: (per the Hon'ble the Chief Justice)

By the impugned order, learned single Judge dismissed the writ petition on the ground that there was alternative remedy available to the appellant to prefer an appeal against the order impugned in the writ petition.

Appeal is filed by the writ petitioner against the said order. In the writ petition, order dated 24th July, 2004 passed by the Mandal Revenue Officer, Venkatachalam Mandal, Nellore District in Rc.No.B 588/03 was challenged. The said order qua the writ petitioner-appellant was passed as if the writ petitioner-appellant was a non-resident and substituted service was sufficient. Challenge to the order is on the ground that the appellant has been residing in the village.

Since the order dated 24th July, 2004 itself states that it was substituted service which was effected on the appellant and as no record has been shown why it was not possible to effect personal service on the petitioner-appellant, we are inclined to allow the appeal, set aside the order impugned in the writ petition with liberty reserved to the Mandal Revenue Officer, Venkatachalam Mandal to issue fresh notice in case any proceedings are intended to be initiated against the petitioner and to hear the writ petitioner and decide the proceedings in accordance with law, in which proceedings it will be open for the petitioner-appellant to raise all questions raised herein including jurisdiction of the respondent to resume the assigned land by lapse of time.

Writ appeal is accordingly allowed and the impugned order is set side. Writ petition is also allowed and the order impugned in the writ petition is set aside with liberty reserved to the respondents as aforementioned.

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DEVINDER GUPTA, CJ

16-11-2004

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C.V.RAMULU, J

Tvr

To

1. The Mandal Revenue Officer, Venkatchalam ( Mandal), Nellore District.

2 2 CCs to the Govt. Pleader for Revenue, High Court buildings,

Hyderabad (OUT).

3 2 CD copies.